IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 2253 of 2005

Between:

Yandra Rajendrababu, s/o Bhupathirao,
Jeelugumilli, W.G.District.

..... PETITIONER

AND

1 The Superintendent of Police, W.G.District, Eluru.
2 The Station House Officer, Ananthapalli P.S., W.G.District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more in the nature of writ of mandamus directing the respondents to initiate action on my complaint dt.22-9-2003.

Counsel for the Petitioner: MR.NARAM.NAGESWARA RAO

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following :

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ORDER:

The petitioner states that he submitted a complaint dated 22-9-2003, before the second respondent, alleging that the persons named therein are interfering with his possession over certain landed property and that they are also threatening him with dire consequences. It was alleged that a document dated 31-3-2003 was brought into existence by them. He alleges that no action has been taken thereof and he seeks appropriate direction.

Heard learned Counsel for the petitioner and Government Pleader for Home.

The petitioner had named certain persons in his complaint and alleged that they are interfering with his possession over certain land. Reference is made to the judgment in O.S.No.132 of 2001, on the file of Principal Junior Civil Judge, Tadepalligudem. Even assuming that the second respondent is not taking any steps on the complaint, it is not as if the petitioner is without any remedy.

If the petitioner apprehends interference with his possession over the land referred to above, he can file a suit for perpetual injunction and obtain order of temporary injunction, after satisfying the trial Court. On the other hand, if his complaint is about any criminal activities on the part of the said persons, the

petitioner can move a complaint under Section 200 Cr.P.C, before the concerned Magistrate. Either way, the police cannot be expected to interfere at this stage.

Therefore, the writ petition is disposed of, leaving it open to the petitioner to work out his remedies, as indicated above. There shall be no order as to costs.

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10th February 2005

Kvrk/Pan

To

1 The Superintendent of Police, W.G.District, Eluru.
2 The Station House Officer, Ananthapalli P.S., W.G.District.

3 Two CCs to GP for Home, High Court Buildings, Hyderabad(OUT)

4 Two CD copies.